

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC

Plaintiffs,

v.

INTERNET ARCHIVE and DOES 1 through
5, inclusive

Defendants.

Case No. 1:20-CV-04160-JGK

**DECLARATION OF JOSEPH C. GRATZ IN SUPPORT OF DEFENDANT INTERNET
ARCHIVE'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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INTERNET ARCHIVE

I, Joseph C. Gratz, declare as follows:

1. I am an attorney licensed to practice in the State of California, and represent Defendant Internet Archive in this matter. I make this declaration from personal knowledge, and if called to testify, I could and would testify competently to the facts stated herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Exhibit 4 to the transcript of the deposition of Steve Potash, taken in the instant action on January 31, 2022.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the deposition of Andrea Mills, taken in the instant action on October 14, 2021. Cited testimony has been highlighted for the Court's convenience.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the transcript of the deposition of Ginger Patton-Schmitt, taken in instant action on December 6, 2021. Cited testimony has been highlighted for the Court's convenience.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the deposition of Michael "Mek" Karpeles, taken in the instant action on October 27, 2021. Cited testimony has been highlighted for the Court's convenience.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the deposition of Susan Hildreth, taken in the instant action on May 17, 2022. Cited testimony has been highlighted for the Court's convenience.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the signed errata to the transcript of the deposition of Susan Hildreth.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Judgment issued by the Court of Justice of the European Union on November 10, 2016, in *Vereniging Openbare Bibliotheken v Stichting Leenrecht*, Case C-174/15.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Opinion of the Advocate General delivered on June 16, 2016, in *Vereniging Openbare Bibliotheken v Stichting Leenrecht*, Case C-174/15.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 2, 2022, in San Francisco, California.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ